

**Notice of Allowability**

Application No.

10/725,926

Applicant(s)

BAUDOU ET AL.

Examiner

Art Unit

Xiuqin Sun

2863

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/03/2003.
2. ☒ The allowed claim(s) is/are 1-19.
3. ☒ The drawings filed on 03 December 2003 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 04/30/04&12/03/03
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

## **DETAILED ACTION**

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

This examiner's amendment corrects minor objections to the Abstract and Claims.

2. The application has been amended as follows:

Replace the abstract with the following:

--The disclosure relates to the ergonomics and safety of head equipment, notably incorporating display devices, intended to be worn by aircraft crew. One of the difficulties in evaluating injury risks associated with the wearing of head equipment is to determine precisely the center of gravity of the actual user's head, since standard head models prove to be too imprecise. The invention proposes a process enabling individualized determination of the center of gravity of the user's head and therefore its precise position relative to the center of gravity of the head equipment. One preferred embodiment of said process [[consists in using means]] is to establish a three-dimensional mapping of the external surface of the user's head.--

Replace the Claims 15 and 16 with the following:

-- 15. A process of risk evaluation for a user wearing head equipment in operational conditions, [[the]] said process comprising [[a stage of ]] the process for determination of the position of the center of gravity of the head equipment relative to the center of gravity of the user's head, [[performed]] according to claim 1.--

--16. A process for execution of a digital model simulating a user wearing at least one head equipment, [[the]] said process comprising [[a stage of ]] the process for determination of the position of the center of gravity of the head equipment relative to the center of gravity of the user's head, [[performed]] according to claim 1.--

### ***Allowable Subject Matter***

3. Claims 1-19 are allowed.

### ***Reasons for Allowance***

4. The following is an examiner's statement of reasons for allowance:

The primary reason for the allowance of claims 1-19 is the inclusion of the limitations of: determining the position of the center of gravity of the user's head by using a digital model that takes into account the anatomical data of the head, this center of gravity being determined in a second triaxial reference frame positioned relative to said first triaxial reference frame; and determining the position of the head equipment's center of gravity in said second triaxial reference frame. It is these limitations found in each of the claims, as they are claimed in the combination that have not been found,

Art Unit: 2863

taught or suggested by the prior art of record, which make these claims allowable over the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Prior Art Citations***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1) Kuroda et al. (JP20002245888) is entitled "Method for Designing Baseball Helmet".

2) Kobayashi (U.S. Pub. No. 20020150287) is entitled "Image processor and image processing method, and recorded medium".

3) Hubbard (U.S. Pat. No. 6009566) is entitled "Head and neck support for racing".

4) Baudou et al. (U.S. Pat. No. 6014769) is entitled "Helmet comprising a part that is jettisonable by means of an inflatable cushion".

5) Hong et al. (U.S. Pub. No. 20020129440) is entitled "Jaw protecting apparatus of helmet".

### ***Contact Information***

Art Unit: 2863


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Xiuqin Sun whose telephone number is (571)272-2280. The examiner can normally be reached on 6:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on (571)272-2269. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

XS  
November 26, 2004

Xiuqin Sun  
Examiner  
Art Unit 2863

  
MICHAEL NGHIE<sup>TM</sup>  
PRIMARY EXAMINER